

**February 2, 1998**

**DURHAM, NORTH CAROLINA  
MONDAY, FEBRUARY 2, 1998  
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order asking for priority items from the City Manager, City Attorney and City Clerk. **[No priority items]**

Council Member Larson announced that three Coffee With Council Sessions were scheduled the week of February 2, 1998.

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. Christopher Tiffany, a citizen, requested that Consent Item 1 [Format for Reporting Monthly Crime Statistics for the City of Durham] be pulled.

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**[CONSENT AGENDA]**

**SUBJECT: INVESTMENT PROCESS**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve a process to be used to retain a consultant and three money managers to assist the City with its investment process was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

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**SUBJECT: REPORT ON YEAR 2000 COMPUTER UPDATE**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning the Year 2000 computer update was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: PROPOSED SALE OF PORTION OF PROPERTY ON CITY TRACT #1212 LOCATED ON CAMDEN AVENUE TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT)**

**MOTION** by Council Member Larson seconded by Council Member Miller to accept the offer of \$11,765.00 from the North Carolina Department of Transportation (NCDOT) to purchase .26 acres in fee simple for right-of-way and .05 acres for a temporary drainage easement on property located on City Tract #1212, Tax Map 607-01-1B and, to authorize the Mayor to execute the deed that conveys the property was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: PROPOSED THREE-YEAR LEASE AGREEMENT TO LEASE SPACE IN A CITY OWNED BUILDING LOCATED AT 109 EAST CHAPEL HILL STREET - MERCY DEE'S KARATE STUDIO**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Lease Agreement with Mercy Dee Dawson for the building located at 109 East Chapel Hill Street to operate Mercy Dee's Karate Studio was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: TELEVISION BROADCAST OF CITY COUNCIL COMMITTEE MEETINGS**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report on televised broadcast of City Council Committee Meetings was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and

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Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: BID AWARD FOR THE INTERIM AMTRAK STATION PLATFORM EXTENSION - MCQUEEN CONSTRUCTION COMPANY**

**MOTION** by Council Member Larson seconded by Council Member Miller to award a bid for the extension of the passenger boarding platform at the Interim Amtrak Station to McQueen Construction Company in the amount of \$51,500.00; and

To adopt a "Capital Project Ordinance Superseding Ordinance #11281 Concerning Interim Amtrak Station Improvements" was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**Ordinance #11334**

**SUBJECT: CONTRACT FOR FEASIBILITY STUDY OF MULTIMODAL TRANSPORTATION CENTER SITE - WALKER STORAGE BUILDING**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with the Triangle Transit Authority (TTA) in the amount of \$56,384.00 for the purpose of having DeLeuw Cather & Company, Barton-Aschman, and The Freelon Group conduct a feasibility study of the Walker Storage building as the Multimodal Transportation Center site in accordance with the scope of work comprising Attachment A was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: CITY COUNCIL CONCURRENCE WITH TAXICAB COUPON DISCOUNT APPROVED BY THE DATA BOARD OF TRUSTEES**

**MOTION** by Council Member Larson seconded by Council Member Miller to concur with the fifty (50) percent taxicab coupon discount approved by the DATA Board of Trustees as part of establishing a taxicab program as an option alternative to DATA's ACCESS service was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth,

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Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: ENFORCEMENT OF THE CITY'S FAIR HOUSING ORDINANCE  
HANDICAP CONSTRUCTION PROVISIONS - DURHAM AFFORDABLE  
HOUSING**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report concerning the implementation of the building standards (handicap provisions) of the Fair Housing Ordinance; and

To authorize the City Manager to enter into a contract with the Durham Affordable Housing Coalition in the amount of \$15,000.00 to conduct a fair housing survey to determine the effectiveness of the City's past efforts for handicap accessibility in housing was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: MAJOR SITE PLAN APPROVAL - 2530 MERIDIAN PARKWAY OFFICE**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve a major plan site submitted by CMD Southeast, Inc. for a proposed 4 story, 109,086 square foot office building, to be located on a 14.195 acre tract on the north side Meridian Parkway, west of NC Highway 55 (Tax Map 548-1-24, 28) and zoned I-2, F/JB, and MTC was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: MAJOR SITE PLAN APPROVAL - STUDIO PLUS HOTEL**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve a major site plan submitted by Studio Plus Properties, Inc. for a proposed 47,069 square foot, 3 story, 85 unit extended stay hotel, to be located on 3.35 acres on the west side of South Miami Boulevard at the Chin Page Road intersection, north of I-40 (Tax Map 582-1-1D) and zoned O&I-2 was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None.

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Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: ZONING PROCESS**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a presentation from the City-County Planning Department and the City Attorney's Office concerning the Zoning and Subdivision Ordinances, the rezoning process, and the site plan/subdivision review process was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT - CHANCELLOR'S RIDGE SUBDIVISION**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a water and sewer extension agreement with Chancellor Ridge Development Corp., LLC for the Chancellor Ridge project that includes City participation in the cost of the oversized portion of the sewer system as shown in the proposed water and sewer extension agreement at a cost not to exceed \$120,000, and to clarify that the current water and sewer extension policy for areas outside the Priority Growth Area does not apply to oversize lines that are utilized for service beyond the line's normal service area was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: WATER EXTENSION AGREEMENT - AMERICAN PARTY RENTALS, PETER AND JUDITH L. DAYMONT**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into an agreement with Peter and Judith L. Daymont for the extension of City water to serve a proposed retail store to be located at 3633 South Alston Avenue was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

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**SUBJECT: WATER EXTENSION AGREEMENT - NEWHALL VILLAGE, CRESCENT COLEMAN VENTURES, LLC.**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into an agreement with Crescent Coleman Ventures, LLC for the extension of City water to serve Newhall Village Subdivision, a 12-acre, 38-lot, single family subdivision to be located south of Sedwick Road adjacent to Newhall Road was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: WATER EXTENSION AGREEMENT, LEXINGTON STREET/HILTON ROAD -ROBERTS CONSTRUCTION COMPANY, INC.**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into an agreement with Roberts Construction Company, Inc. for the extension of City water to serve 30 existing single-family lots located between Francis Street and Nation Avenue was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: WATER EXTENSION AGREEMENT - SALEM LEASING FACILITY, SALEM LEASING CORPORATION**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into an agreement with Salem Leasing Corporation for the extension of City water to serve a 14-acre trucking facility to be located on the north side of U.S.#70 east of Leesville Road was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: CREDITING INTEREST ON ASSESSMENT FOR CERTAIN PROPERTIES IN THE VICINITY OF SITE 17A**

**MOTION** by Council Member Larson seconded by Council Member Miller to direct the City Manager to credit certain assessment accounts for interest that has accrued and/or has been paid for the period

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of March 25, 1996 through October, 1997; and to reimburse the Water and Sewer Fund with payment from the General Fund was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: RESOLUTION IN APPRECIATION OF SERVICES OF THE DURHAM RESCUE MISSION**

**MOTION** by Council Member Larson seconded by Council Member Miller to direct the City Clerk to draft a resolution in appreciation of the services rendered by the Durham Rescue Mission, directed by Ernie Mills, for its work in this community, especially during the holiday season was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: STREET ACCEPTANCE - GABLE RIDGE DRIVE, SILHOUETTE DRIVE AND ASHFORD LANE**

**MOTION** by Council Member Larson seconded by Council Member Miller to accept the following streets in Hope Valley Farms, Gable Ridge, for maintenance by the City of Durham was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

- a. Gable Ridge Drive - from the centerline of Juliette Drive west then north back to the centerline of Juliette Drive (1,547'),
- b. Silhouette Drive - from the centerline of Gable Ridge Drive east to the centerline of Ashford Lane (524'), and
- c. Ashford Lane - from the centerline of Gable Ridge Drive westward back to the centerline of Gable Ridge Drive (926').

**SUBJECT: PARKING PROHIBITION - COOPER STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to prohibit parking at any time on the north

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side of Cooper Street in the area beginning at the east curb line of Bacon Street, if extended, and extending for a distance of 381 feet eastwardly was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**Ordinance #11335**

**SUBJECT: PARKING PROHIBITION AND HANDICAP PARKING - BANNER STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to repeal Ordinance #3485 adopted May 1, 1972 which prohibits parking on Banner Street between Maynard Avenue and Bon Air Avenue;

To adopt an ordinance establishing no parking on the west side of Banner Street in the area beginning at the south curb line of Bon Air Avenue, if extended, and extending for a distance of 30 feet southwardly;

To adopt an ordinance establishing handicap parking on the west side of Banner street in the area beginning at a point 30 feet south of the south curb line of Bon Air Avenue, if extended, and extending for a distance of 25 feet southwardly;

To adopt an ordinance establishing no parking on the west side of Banner Street in the area beginning at a point 55 feet south of the south curb line of Bon Air Avenue, if extended, and extending for a distance of 606 feet southwardly; and

To adopt an ordinance establishing no parking on the east side of Banner Street in the area between Maynard Avenue and Bon Air Avenue was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**Ordinance #11336**  
**Ordinance #11337**  
**Ordinance #11338**  
**Ordinance #11339**  
**Ordinance #11340**

**SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - CARDENS LANE**

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**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing a 25 mile per hour speed limit on Cardens Lane from Clay Street south to Peabody Street was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**Ordinance #11341**

**SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - GATTIS STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing a 25 mile per hour speed limit on Gattis Street from Jackson Street south to the end of the street was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**Ordinance #11342**

**SUBJECT: STOP SIGNS - CROASDAILE FARM III SUBDIVISION**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

- 1) Barn View Place at Trail Wood Drive, southwest corner
- 2) Barn View Place at Trail Wood Drive, northeast corner
- 3) Trail Wood Drive at Croasdaile Farm Parkway, northeast corner

**Ordinance #11343**

**SUBJECT: STOP SIGN - MUTUAL DRIVE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Mutual Drive at Atlantic Street, northeast corner was approved

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at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**Ordinance #11344**

**SUBJECT: STOP SIGNS - SETTLER'S POINTE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

- 1) Millstone Drive at Grandale Drive, southwest corner, and
- 2) Colton Court at Millstone Drive, southeast corner

**Ordinance #11345**

**SUBJECT: STOP SIGNS - WILLIAMS WAY, LAUREN LANE AND CORRIDA AVENUE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

- 1) Williams Way at Valley Drive, west corner
- 2) Lauren Lane at Valley Drive, northwest corner
- 3) Corrida Avenue at Casa Street, northeast corner

**Ordinance #11346**

**[GENERAL BUSINESS AGENDA]**

**SUBJECT: Sewer Main - Rogers Road** from Fletchers Chapel Road to Penrod Road and **Fletchers Chapel Road** from Rogers Road to South Property Line Tax Map 707-7-16

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As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Due to objections, City Engineer Ken Wright requested the following properties be referred to the Public Works Committee for further consideration: Michael Sewell; Jessie Stubbins; and Johnny Carter.

There being no further objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sewer main on Rogers Road from Fletchers Chapel Road to Penrod Road and Fletchers Chapel Road from Rogers Road to south property line Tax Map 707-7-16 and to refer the properties of Sewell, Stubbins and Carter to the Public Works Committee for further consideration was approved at 7:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: Sidewalk - Anderson Street (East Side)** from Morehead Avenue to Duke University Road

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sidewalk on Anderson Street (East Side) from Morehead Avenue to Duke University Road was approved at 7:34 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: Water Main - Hillock Place** from Riverdale Drive to North Property Line of Tax Map 821-1-7G (Mini Assessment Roll)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared

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closed.

a. Property of David C. and Mary C. Summerlin

**MOTION** by Council Member Larson seconded by Council Member Miller to find that the property of David C. and Mary C. Summerlin, identified as Tax Map #821-1-10, Hillock Place, Lot 1, vacant, has not benefited at this time from the water main improvement and to relieve the assessment in the amount of \$6,270.00 with the provision that a frontage charge will be due and payable at the prevailing rate should the property connect to the water main (in accordance with City policy) was approved at 7:34 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

b. Property of County of Durham

**MOTION** by Council Member Larson seconded by Council Member Miller to find that the property of the County of Durham, identified as Tax Map #821-1-9, Hillock Place, Lot 2, vacant, has benefited from the water main improvement and to confirm the assessment in the amount of \$2,172.17 was approved at 7:34 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

c. Property of Thomas R. and Linda A. McCurdy

**MOTION** by Council Member Larson seconded by Council Member Miller to find that the property of Thomas R. and Linda A. McCurdy, identified as Tax Map #821-1-8, Hillock Place, Lot 3, has benefited from the water main improvement and to confirm the assessment in the amount of \$1,088.01 (frontage corrected) was approved at 7:34 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: Water Main - Tomahawk Trail** from Sandlewood Drive to Smith Drive, **Cherokee Court** from Tomahawk Trail to Cul-de-sac, and **Pawnee Court** from Tomahawk Trail to Cul-de-sac

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As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering water main improvements on Tomahawk Trail from Sandlewood Drive to Smith Drive, Cherokee Court from Tomahawk Trail to Cul-de-sac, and Pawnee Court from Tomahawk Trail to Cul-de-sac was approved at 7:34 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: Water Main - Hardee Street** from Cheek Road to Naples Place (Enabling Act Authority)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering water main improvements on Hardee Street from Cheek Road to Naples Place under the Enabling Act Authority was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: Sewer Main - Hardee Street** from Cheek Road to South Property Line of Tax Map 353-1-5 (Enabling Act Authority)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering sewer main improvements on Hardee Street from Cheek Road to south property line of Tax Map 353-1-5 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth,

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Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard.

**SUBJECT: 1998-99 CONSOLIDATED PLAN NEEDS PUBLIC HEARING**

To receive citizen comments on the 1998-99 Consolidated Plan needs.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Rev. Frederick Davis, Pastor of First Calvary Baptist, spoke in support of funds being used for continued revitalization in the West End area and other communities in Durham.

Muna Mujahid, representing the West End Community, presented a slide presentation demonstrating how funds could be allocated to revitalize Estes Street, Maplewood Park, Jackson Street and Carroll Street Park.

Glyndola Beasley, representing Consumer Credit Counseling, spoke in favor of continued support for Consumer Credit Counseling to assist individuals pursue homeownership.

Mary McAllister, representing Development Ventures, Inc., requested council's support of funds to acquire, demolish and landscape buildings located at 903 and 905 East Main Street.

Ernest Mangum, representing Learning Assistance, Inc., spoke in support of funds for the Self Sufficiency Program for Section 8 recipients.

Stella Adams, representing N. C. Fair Housing Center, addressed council on the current fair housing plan adopted by the city.

Darrly Beasely, representing Calvary Ministries, spoke in support of the Lyons Park School Project and funds needed to purchase the former Davis Bakery to be used for training and economic development.

Mayor Tennyson asked if there were other citizens present wanting to speak on this item.

The public hearing was closed by the Mayor.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizen comments on the 1998-99 Consolidated Plan needs

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was approved at 8:04 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: STREET CLOSING (CASE SC97-8) - PORTION OF HILTON AVENUE, BOBBY ROBERTS**

To receive citizen comments on the proposed street closing.

To adopt an "Order Permanently Closing a 15,084± Square Foot Portion of Hilton Avenue West of Lexington Street and East of Sarah Avenue.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Due to stormwater run-off and the loss of trees, the following citizens spoke in opposition to closing a portion of Hilton Avenue: Tom Lockwood; Martin Anderson; Carolyn Schroeder; John Jackson; Joyce Roughton; Bill Newton; Mansukhial Wani; Rebecca Gau; and Joyce Clayton.

Bobby Roberts, the applicant, stated he felt the street should be closed; however, he noted the closing of this street would not benefit him in anyway because it is a non-connecting street and no one would ever have the street opened. He stated he was willing to withdraw the request.

Mayor Tennyson closed the public hearing.

A motion was made by Council Member Larson to pass the item as printed on the agenda. Mr. Larson noted he would be voting against this street closing. This motion was seconded by Mayor Pro Tempore Clement.

Council Member McKissick asked Mr. Roberts if he wanted to withdraw the request.

Bobby Roberts requested that the petition for closing a portion of Hilton Avenue be withdrawn.

**SUBSTITUTE MOTION** by Council Member McKissick seconded by Council Member Cox to receive citizen comments on the proposed street closing; and

To accept the applicant's request for withdrawal of this street closing petition was approved at 8:33 p.m. by the following vote:

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Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Council Member Larson raised concerns relative to clear cutting of the site and soil storage. He stated these issues needed to be revisited.

Mayor Pro Tempore Clement invited the residents to attend a Public Works Committee Meeting to speak to the concerns expressed by Council Member Larson.

**SUBJECT: STREET CLOSING (CASE SC97-9) PORTION OF OLD PAGE ROAD  
(PARKS ASSOCIATES I LIMITED PARTNERSHIP)**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Miller seconded by Council Member Brown to receive citizen comments on the proposed street closing; and

To adopt an "Order Permanently Closing a 16,314± Square Foot Portion of Old Page Road (SR 2060), West of Interstate 40 and East of South Miami Boulevard" was approved at 8:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11347**

**SUBJECT: STREET CLOSING (CASE SC97-12) PORTION OF DEARBORN DRIVE  
(HOUSING AUTHORITY OF THE CITY OF DURHAM)**

To receive citizen comments on the proposed street closing.

To adopt an "Order Permanently Closing a 23,889± Square Foot Portion of Dearborn Drive, between Danube Lane and Keystone Place."

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Brenda Watkins, a resident of Oxford Manor, spoke in opposition to

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this street closing.

Mayor Tennyson informed the council that the Durham Housing Authority submitted a request to continue the public hearing to the March 16, 1998 City Council Meeting.

**MOTION** by Council Member Miller seconded by Council Member McKissick to continue the public hearing without further advertisement until the March 16, 1998 City Council Meeting was approved at 8:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ZONING MATTER CASE P97-75, REGINALD AND LARRY ROGERS, 3902 GUESS ROAD**

Case: P97-75

Applicant: Reginald and Larry Rogers

Location: 1.85± acres at 3902 Guess Road, on east side of Guess Road, south of Prison Camp Road, north of Victory Boulevard (Tax Map 778, Block 1, Lot 1F)

Request: Rezoning from R-20 (Residential 20) to GC (General Commercial)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as GC.

Bill Harris, representing the applicant, requested that this rezoning matter be withdrawn.

**MOTION** by Council Member Griffin seconded by Council Member Larson to accept the request for withdrawal by the applicant was approved at 8:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: MAJOR SPECIAL USE PERMIT - HOPE VALLEY ELEMENTARY SCHOOL, CASE M97-7**

To receive a report from the Planning Staff concerning the results of the negotiations with the North Carolina Department of Transportation regarding the bus and service vehicular access on University Drive.

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To adopt an "Order Granting, Upon Certain Conditions, a Major Special Use Permit for Hope Valley Elementary School - Case M97-7."

Paul Norby, of the City/County Planning Department, stated the city's Transportation Department, along with NCDOT, did meet concerning bus access on University Drive. He stated he felt the arrangement made between the parties would satisfy the council's request.

Earl Lewellyn, of the Transportation Department, noted that NCDOT would not support a signal. To satisfy all of the participants, Mr. Lewellyn stated an alternative was reached which would allow access onto University Drive via a right in and right out access only.

Mayor Tennyson asked if there were questions from the proponents or opponents. [No questions]

Helen Youngblood, of the City/County Planning Department, read the following conditions of the order prepared by the staff for council's approval.

1. That the applicant develop the approved use in conformity with a site plan, and any amendments to such site plan, that must be submitted to and approved by the City within 12 months of the date of this decision, and that such site plan and amendments, if any, become a part of this use permit. This site plan shall be based on the plan approved by the Development Review Board November 21, 1997 with the additional conditions as ordered herein, and any minor corrections ordered by DRB.
2. Restrict left turns onto Dixon (by raised concrete entrance median).
3. Delay start time to 9:00 a.m.
4. Create sidewalk connections to University and Dixon.
5. Remove shrubs, etc. from site distance triangles and the provisional access for emergency vehicles along University Drive at the existing drive cut (the Fire Marshal has rectified this with the applicant).
6. That access onto University Drive be limited right in and right out movements only. This shall be accomplished by the applicants' widening University Drive to accommodate a raised

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concrete median. This driveway shall be located in the area of the existing easternmost driveway on University Drive.

7. That the drive access connecting to Ithaca Street be eliminated from the plan.

Mayor Tennyson asked if there were questions from the proponents or opponents. [No questions]

Mayor Tennyson asked if there were questions from the council.

**MOTION** by Council Member Cox seconded by Council Member McKissick to adopt an "Order Granting, Upon Certain Conditions, a Major Special Use Permit for Hope Valley Elementary School [Case M97-7] was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11348**

Mayor Tennyson closed the public hearing on Case M97-7.

**[ITEM PULLED FROM THE CONSENT AGENDA]**

**SUBJECT: FORMAT FOR REPORTING MONTHLY CRIME STATISTICS FOR THE CITY OF DURHAM**

To discuss the format for reporting monthly crime statistics for the City of Durham.

Note: This item was pulled by Christopher Tiffany; however, he was not present at the meeting to speak on this item.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Cox to refer this matter to the administration was approved at 8:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**[SUPPLEMENTAL AGENDA]**

**SUBJECT: INSURANCE SUBCOMMITTEE**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to establish a City Council Insurance Subcommittee

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consisting of Mayor Pro Tempore Clement and Council Members Burnette, Griffin, and Larson was approved at 8:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 8:54 p.m.

D. Ann Gray  
Deputy City Clerk

Margaret M. Bowers, CMC  
City Clerk